GOVERNMENT OF ANDHRAPRADESH

ABSTRACT

Infrastructure & Investment Department – AP Maritime Board (APMB) - Purchase of land from the willing land owners through negotiations for APMB for promotion of industries and towards creation of port and port-link infrastructure facilities and issue of procedural guidelines – Orders - Issued.

INFRASTRUCTURE AND INVESTMENT (PORT-1) DEPARTMENT

G.O. Ms No.19

Date:16-12-2023

Read the following:

1. G.O.Ms.No. 181, I&C(INFRA) Dept. Dt.19.12.20161.
2. Andhra Pradesh Maritime Board Act, 2019
3. From CEO, APMB Letter No.100/Lands/2022 dated 15.11.2022
4. Govt. memo No.INI01-PORT/66/2022, dated 05.04.2023
5. From CEO, APMB Lr.No.FileNo.41/1/APMB/LANDS/2022,Dtd.22-11-2023

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ORDER:

Government have established *AP Maritime Board (APMB) Act, 2019* which has come into force w.e.f. 16-12-2019 to provide for rapid development of Port sector and the overall development of hinterland and offshore areas connected to the port-use and industrialisation in port areas in Andhra Pradesh and transferred, to the Board, the powers vested in the Director of Ports and established APMB as the State Government/s Agency in the protection of its sovereign rights in governing waterfront land on the State coastline [Section 15(1)(b) of Act]. Further, Government has incorporated 3 SPVs - Bhavanapadu Port Development Corporation Limited (BPDCL), Machilipatnam Port Development Corporation Limited (MPDCL) and Ramayapatnam Port Development Corporation Limited (RPDCL) under Companies Act 2013 for establishment and development of Bhavanapadu port (Now as Mulapeta Port), Machilipatnam port and Ramayapatnam Port respectively.

2. The broad functions of the APMB has been explained u/s 15 of the Act and the clause (w) of the Section 15 (1) explains the mandate of the APMB to acquire land and sell, lease or allot them towards creation of port and port-linked infrastructure facilities; Further, Section 24 of the APMB Act, 2019 elaborates that Government, may, at the request of the Board, procure the acquisition of land under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and on payment by the Board of the compensation awarded under that Act and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the Board.

3. In this regard, Chief Executive Officer (CEO), APMB vide ref-3 submitted that there is no provision for *(Land Acquisition)* LA for Others Policy in APMB for acquisition of Patta / Government lands by APMB for port related industrial projects/uses on par with the A.P. Industrial Infrastructure Corporation Limited (APIIC) Policy for 'LA for others' and the guidelines thereof and requested the Government to allow to adopt the 'LA for others' Policy of APIIC to APMB so as to

proceed with the land acquisition requests for port and port linked industries as per the provisions of the Act and after examination of the Proposal, Government vide reference-4 cited above, directed the CEO, APMB to strictly follow the provisions of Policy and Guidelines of LA for Others of APIIC to comply the requirements of land acquisition.

4. Vide reference 5th read above, the CEO, APMB submitted that vide G.O.Ms. No. 181, I&C (INFRA) Dept. Dt.19.12.2016, orders were issued constituting the purchase committee in each district for purchase of private lands by APIIC from the willing land owners through Negotiations for industrial promotion and issued certain procedural guidelines to be followed by the Committees while purchasing private lands for APIIC at district level and accordingly, submitted proposals to constitute Purchase Committee for each district on similar lines to hold negotiations with the farmers whose lands are proposed for acquisition by APMB with the following members to ease the land acquisition process for APMB to expedite promotion of port based industries:

(i)	Joint Collector	.....	Chairman
(ii)	RDO/ Sub –Collector/ Tahsildar	.....	Member
(iii)	GM/DIC	.....	Member
(iv)	Spl. Deputy Collector & LAO, APMB	.....	Convener

5. The CEO, APMB further requested to issue procedural Guidelines to be followed by the Purchase Committee during purchase of the private lands for APMB.

6. On the proposal, the revenue Department remarked that lands are acquired by Govt for its needs under LARR Act 2013 in cases of compulsory acquisition for public purpose and as APIIC has a provision for procuring lands vide G.O.Ms. No. 181, I&C (INFRA) Dept. Dt.19.12.2016, the I&I Department may decide on the proposal of CEO, APMB for similar dispensation in accordance with their needs. Law Department remarked to proceed on this Policy matter, as per the provisions of APMB Act. Finance Department has suggested the I&I Department to take further decision based on above.

7. APMB, as per the Act Provisions, has the mandate to acquire the lands either by acquiring under LARR Provisions or get the Government lands alienated to cater to the needs of the Port and Port based industries and as explained in the ref-1 cited above, sometimes, it may be desirable to purchase the Patta lands by holding private negotiations with the willing land owners by offering value to the satisfaction of the Owners of the lands, so as to expedite the process of land acquisition. Hence, the proposal of CEO, APMB to have suitable provisions in APMB to purchase lands from the willing land owners by holding negotiations with the farmers, on par with the dispensation available in APIIC, has been found to have merits.

8. Hence, the Government, after careful examination of the proposal of Chief executive Officer, APMB, hereby constitute the Purchase Committee, to purchase lands in each district from the willing land owners for holding negotiations with the

farmers whose lands are proposed for acquisition of lands by APMB under the clause (w) of the Section 15 (1) of the APMB Act for promotion of industries and towards creation of port and port-link infrastructure facilities, with the following members for expediting Land Acquisition process.

(i)	Joint Collector	.....	Chairman
(ii)	RDO/ Sub –Collector/ Tahsildar	.....	Member
(iii)	GM/DIC	.....	Member
(iv)	Spl. Deputy Collector & LAO, APMB	.....	Convener

9. Besides following the laid down procedures and regulations, the purchase committee shall adhere to the following Procedural Guidelines during purchase of private lands for APMB:

a. The APMB shall file requisition with the District Collector for initiation of process of purchase of land by holding negotiations.

b. The District Collector shall direct the sub-Collector/RDO to propose the basis for such proposal.

c. The Sub Collector/RDO shall also get preliminary enquiry through the Tahsildar concerned as regards to the persons having interest in the land and verification of their title.

d. The Sub Collector/RDO shall furnish a report to the Joint Collector about the land value proposed and the list of owners after verifying the Revenue Records. The proposed land value should satisfy the framework of the valuation under the LARR Act provisions.

e. The Joint Collector shall scrutinize the proposals and shall issue the notices to the owners informing them to attend the negotiations with the purchase Committee furnishing date and Venue.

f. The Purchase committee shall consider the land value duly considering the claim of the owners, the justification furnished by the owners and all relevant factors that govern the land value.

g. The Purchase Committee shall obtain an undertaking from the owners that they do not approach any Forum in any manner for further enhancement.

h. The Purchase Committee shall inform the land owners that Rehabilitation and Resettlement (R&R) Scheme is implemented in all cases where in displacement of families takes place as per the procedure in vogue in the State under the LARR Act provisions. Where ever R&R is involved, APMB shall deposit the amount with the District Collector for implementation.

i. The District Collector shall consider and approve the land value fixed by the Purchase Committee.

j. An Agreement is entered between the Owners and APMB after the land value is mutually agreed to. The agreements and the sale deeds thereon, should satisfy all the requirements of title transfer procedure in vogue.

k. APMB shall pay the land value to the land owners in their Bank Accounts.

l. The Tahsildar concerned shall facilitate registration of the land in favour of APMB and handing over of physical possession of the land to APMB.

10. The Chief Executive officer, AP Maritime Board shall take further action accordingly.

11. The orders issued duly considering the remarks of the Departments as explained under Para-6.

(BY ORDER AND IN THE NAME OF GOVERNER OF ANDHRAPRADESH)

N.YUVARAJ
SPECIAL CHIEF SECRETARY TO GOVERNMENT(FAC)

To
The Chief Executive Officer, A.P. Maritime Board
All the District Collectors in the State.
The Director of Industries, A.P. Vijayawada.
All the Joint Collectors in the State.
All the Sub-Collectors/RDOs/Tahsildars in the State through District Collectors.
All the General Managers, District Industries centres in the State through Director of Industries, AP.
Copy to
The Revenue (LA) Department, A.P. Secretariat, Velagapudi.
The Finance Department, A.P. Secretariat, Velagapudi.
The Law Department, A.P. Secretariat, Velagapudi.
The P.S. to Special Chief to Hon'ble CM
The PS to Hon'bleM(I&I)
The P.S. to Spl.Chief Secretary to Government, I&I Dept. .,
SC/SF

//FORWARDED : : BY ORDER//

SECTION OFFICER